

No. 14999

United States
Court of Appeals
for the Ninth Circuit

FRANK ROSS,

Appellant,

vs.

TWENTIETH CENTURY-FOX FILM CORPORATION,
et al.,

Appellees.

Supplemental
Transcript of Record

Appeal from the United States District Court for the
Southern District of California,
Central Division.

FILED

JUN -5 1956

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF ATTORNEYS

For Appellant:

PACHT, ROSS, WARNE & BERNHARD,
6535 Wilshire Boulevard,
Los Angeles 48, California.

For Appellee:

MUSICK, PEELER & GARRETT,
621 South Hope Street,
Los Angeles 17, California.

United States District Court for the Southern
District of California, Central Division

No. 18714-TC

FRANK ROSS,

Plaintiff,

vs.

TWENTIETH CENTURY-FOX FILM CORPO-
RATION, et al.,

Defendants.

ORDER STAYING PROCEEDINGS

This matter came regularly on to be heard upon the motion of the defendant Twentieth Century-Fox Film Corporation to stay proceedings in said action, plaintiff appearing by Pacht, Ross, Warne & Bernhard and Stuart L. Kadison, Esq., his attorneys, and said defendant appearing by Musick, Peeler & Garrett and Harold F. Collins, its attorneys, and the Court having considered said motion and being satisfied that the issues involved in said suit are referable to arbitration under an agreement in writing dated August 11, 1952, and having directed that a Minute Order be entered granting said motion, and good cause appearing therefor,

Now, Therefore, It Is Ordered that the trial of said action and further proceedings herein shall be stayed until arbitration has been had in accordance with the terms of said agreement of August 11,

1952, copy of which is attached to plaintiff's Complaint as Exhibit "A" thereof, and the Clerk is directed that this order and judgment be duly entered in the manner required by the rules of this court.

Dated this 5th day of April, 1956.

/s/ THURMOND CLARKE,
Judge.

Approved as to Form:

April 5th, 1956.

MUSICK, PEELER &
GARRETT,

By /s/ HAROLD F. COLLINS,
Attorneys for Defendant, Twentieth Century-Fox
Film Corporation.

[Endorsed]: Filed April 5, 1956.

Docketed and entered April 11, 1956.

[Title of District Court and Cause.]

NOTICE OF APPEAL

Notice Is Hereby Given that Frank Ross, plaintiff above named, hereby appeals to the United States Court of Appeals for the Ninth Circuit from that certain Order Staying Proceedings heretofore made by the said Court under date of April 5, 1956, and entered, docketed and filed on the 11th

day of April, 1956, and from the whole of said order.

Dated: April 12, 1956.

PACHT, ROSS, WARNE &
BERNHARD.

By /s/ STUART L. KADISON,
Attorneys for Plaintiff and
Appellant Frank Ross.

Affidavit of Service by Mail attached.

[Endorsed]: Filed April 17, 1956.

[Title of District Court and Cause.]

**STIPULATION RE SUPPLEMENTAL REC-
ORD AND CONSOLIDATION OF RECORD
ON APPEAL AND FOR SUBMISSION OF
CAUSE**

Plaintiff, Frank Ross, and the defendant Twentieth Century-Fox Film Corporation, through their respective attorneys stipulate and agree relative to the following facts and circumstances:

A. Heretofore and prior to the 5th day of April, 1956, certain proceedings were taken and had in the above-entitled cause, resulting in the entry of a minute order under date of November 29, 1955, by the order and direction of Honorable Thurmond Clarke, District Judge, which said order granted the motion of said defendant theretofore made to

stay proceedings in said action. Thereafter plaintiff served notice of appeal from said order to the United States Court of Appeals for the Ninth Circuit, and prepared and filed in the office of the Clerk of said Court of Appeal Appellant's Statement of Points and Designation of Record. That a record of all of said proceedings is specifically set forth in the printed Transcript of Record, pages 1 to 70, inclusive thereof, heretofore prepared and filed in the office of the Clerk of said Court in the appeal so taken and which is there pending, entitled "Frank Ross, Appellant, vs. Twentieth Century-Fox Film Corporation, a Corporation, Appellee," No. 14999, Records and Files of said Court.

B. Thereafter Appellant served and filed in the office of the Clerk of said Court of Appeal Appellant's opening brief and thereafter Appellee served and filed its Appellee's brief, and Appellant represents that he will cause to be filed Appellant's repy brief within time provided by the rules of said Court.

C. Thereafter, and under date of April 5, 1956, a written order staying proceedings in said cause was signed by the Honorable Thurmond Clarke, District Judge, which order has been entered, docketed and filed at the direction of said Court by the Clerk thereof, on the 11th day of April, 1956.

D. Thereafter and on the 17th day of April, 1956, plaintiff filed his Notice of Appeal to the said United States Court of Appeals for the Ninth Circuit from said formal order so made and entered.

The parties hereto stipulate and agree as follows:

- 1) That a supplemental transcript of record may be made and filed in the office of the Clerk of said Court of Appeal in form as directed by the Clerk thereof, which shall contain and set forth the said order staying proceedings made and entered as herein set forth, the notice of appeal therefrom and this stipulation, all under proper certificate of the Clerk of said District Court in accordance with the rules on appeal made and provided, and stipulate and agree further that said Supplemental Transcript of Record may be filed in and be given the same number and style designation as contained and set forth in original Transcript of Record filed therein.
- 2) That the said appeal as shown from said original Transcript of Record and the appeal as set forth in said Supplemental Transcript of Record may be consolidated, considered and determined by said Court of Appeal upon the said Appellant's opening brief and Respondent's brief, and Appellant's reply brief filed in said appeal proceedings.

Dated: April 18th, 1956.

PACHT, ROSS, WARNE &
BERNHARD,

By /s/ CLORE WARNE,

Attorneys for Plaintiff and
Appellant.

MUSICK, PEELER &
GARRETT,

By /s/ HAROLD F. COLLINS,
Attorneys for Defendant and Appellee Twentieth
Century-Fox Film Corporation.

Order

It is so ordered:

Dated: April 19, 1956.

/s/ THURMOND CLARKE,
Judge.

[Endorsed]: Filed April 19, 1956.

[Title of District Court and Cause.]

CERTIFICATE BY CLERK

I, John A. Childress, Clerk of the United States District Court for the Southern District of California, do hereby certify that the foregoing pages numbered 1 to 10, inclusive, contain the original

Order Staying Proceedings;

Notice of Appeal;

Stipulation re Supplemental Record and Consolidation of Record on Appeal and for Submission of Cause;

Appellant's Designation of Record to Be Included in Supplemental Transcript of Record;

all in above-entitled cause and constitute the transcript of record on appeal to the United States

Court of Appeals for the Ninth Circuit, in the above case.

I further certify that my fees for preparing the foregoing record amount to \$2.00, which sum has been paid by appellant.

Witness my hand and the seal of the said District Court this 10th day of May, 1956.

[Seal] JOHN A. CHILDRESS,
 Clerk;

By /s/ CHARLES E. JONES,
 Deputy.

[Endorsed]: No. 14999. United States Court of Appeals for the Ninth Circuit. Frank Ross, Appellant, vs. Twentieth Century-Fox Film Corporation, et al., Appellees. Supplemental Transcript of Record. Appeal from the United States District Court for the Southern District of California, Central Division.

Filed May 11, 1956.

/s/ PAUL P. O'BRIEN,
Clerk of the United States Court of Appeals for the
Ninth Circuit.

